

We need to know if Judge Roberts thinks the right to privacy is a fundamental right. We know he wrote about it as the so-called right of privacy.

If I referred to your spouse as your "so-called spouse," that would be an insult, wouldn't it? If I referred to your right to vote as your "so-called right to vote," my constituency would be very upset with me because the right to vote is not a so-called right. So when you say something is a so-called right, it raises a lot of questions about how you feel about it.

We also need to know why Judge Roberts argued before the Supreme Court and on national TV that our Federal courts and marshals had no role in stopping clinic violence when women were being threatened and intimidated at family planning clinics all over the country.

It is time for Judge Roberts to say what he really thinks—on privacy, on gender discrimination, on civil rights, on the environment. On the appellate court, he wrote an opinion that raises questions about whether he would find the endangered species act constitutional. Does he think it is our right in the Congress to pass environmental laws that protect all Americans?

As Senator MIKULSKI said, the role of the women Senators is very important. Women across America are counting on us to stand up, to ask the questions, and to get the answers. When we vote on this nomination, it must be an informed vote either yes because we believe he will protect our rights and freedoms or no because we have not been convinced.

I thank the Chair. I yield back my time to Senator MIKULSKI.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I yield the floor to the senior Senator from the State of Washington, Mrs. MURRAY, for such time as she may consume.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I thank the Senator from Maryland for organizing the AskRoberts.com in which we are all participating to allow people across this country to be a part of this very important process that is occurring in the Senate today.

Today, our country faces many challenges. We look at the suffering along the gulf coast, we face ongoing military operations in Iraq and in Afghanistan, and we face the solemn and significant task of not only filling two Court vacancies but confirming a new Chief Justice. While the confirmation of a new Justice may not be the topic of dinner table conversations across the country tonight, the actions of the next Supreme Court Justice will impact the lives of every American family for generations to come.

Last week, this Chamber mourned the passing of Chief Justice Rehnquist who served on our Nation's highest Court for over three decades. The great

range of issues on which the Supreme Court ruled during Justice Rehnquist's tenure—from *Roe v. Wade* to capital punishment to Miranda rights to the conclusion of a Presidential election—shows the American public just how closely the Court touches each of our daily lives. My home State of Washington is 3,000 miles away from the Nation's Capital, but the issues the Supreme Court takes up, whether it be title IX or eminent domain or a woman's right to choose, hits home for them as well.

Back in 1991, when I was a State Senator and a former school board member and a mother, I watched the Clarence Thomas confirmation hearings that came before the Senate Judiciary Committee. For days and days, I sat in frustration at home. I simply could not believe that this nominee was not asked about the issues about which I cared. I did not believe the Senators in that room were representing me or asking the questions I wanted answered. So I did something about it: I ran for the U.S. Senate. Now, thankfully, I am here and I can get my questions answered. But I remain very concerned for the women and the men in my State and around the country. Certainly they have issues that are important to them that will come before the Supreme Court. Certainly they have questions they want answered. Not everyone is going to be able to run for the Senate, but everyone should be able to have their voice heard.

This is a process in which the American public deserves to be involved. Judge Roberts is being considered for a lifetime appointment, and the American people deserve to know where he stands on a number of issues that affect our Nation's future. That desire to give Americans around the country a voice in this process is what inspired me and my colleagues from California and Maryland to set up a Web site: AskRoberts.com. Through our Web site, we have collected tens of thousands of questions over the past several months that have now been delivered to the Senate Judiciary Committee in hopes that they will be asked of Judge Roberts during his confirmation hearing.

This is not an inside-the-beltway debate. Judge Roberts has been nominated to a lifetime appointment on the highest Court in the land, and he will influence our path on issues ranging across the spectrum.

Many Americans must be wondering what this all means to them, how it will affect them. Let me make it clear: This debate we are now having is about whether we want to protect essential rights and liberties, including the right to privacy about which the Senator from California talked. This debate is about whether we want free and open government. This debate is about whether we want a clean, healthy environment and the ability to enforce laws to protect it fairly. And this debate is about preserving equal protection under the law.

Judge Roberts has an obligation—not to the Senate but to the American people—to make his views known on these basic values. Only then can we make a reasoned judgment on his nomination. That is why I have joined with a number of my colleagues in calling on the Attorney General to fulfill the request that was made by our colleagues on the Judiciary Committee for documents related to 16 key cases on which Judge Roberts played a leadership role during his service as Solicitor General. Not only is there precedent for the disclosure of those documents—similar information was provided to the Senate when it considered the nomination of Justice Rehnquist—but there is also clear imperative. If we are going to fulfill our constitutional duty to provide meaningful advice and consent on this nomination, that consent must be informed and this process must be opened, not only to the Members of this body but to the American people.

With the questions and concerns of Americans from coast to coast in mind, I will work with my colleagues to ensure that the President's nominee to fill this position will be fair and impartial, evenhanded in administering justice, and will protect the rights and liberties of all Americans.

Mr. President, I yield back my remaining time.

Mrs. BOXER. Mr. President, as I understand it, we have 5 minutes before Senator GREGG has the floor; is that correct?

The PRESIDING OFFICER. The Senator from California is correct.

Mrs. BOXER. Mr. President, I thank Senator MURRAY because she has a way of putting things quite succinctly and clearly and I appreciate her coming to the floor.

There is a very interesting editorial today in *USA Today*, and I want to quote from it. The first part says there is no question that the President has chosen someone with similar views to Judge Rehnquist. This is what they say:

But, if the men are similar, the nation is different now from what it was when Rehnquist joined the Court 33 years ago, and that difference raises provocative questions for Roberts as Senate confirmation hearings begin today.

This is how they say it has changed since Judge Rehnquist's hearings:

In particular, the United States has become a far more tolerant society. In 1972, racial segregation was still being dismantled. Women, like African-Americans, were routinely deprived of equal opportunity. The notion that Americans possess a right to privacy, established by the landmark 1965 Supreme Court case that overturned state laws against birth control, was still taking root.

This editorial goes on to ask if Roberts would make it difficult for Congress to extend those gains or even turn back the clock, concluding:

His record leaves plenty of room for doubt.

Now, this is *USA Today*. It is not considered a liberal newspaper. It is a pretty mainstream paper and it raises the issue of privacy, writing: